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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,152	11/21/2003	Roger Linnecke	HSS-020AX	2116
207	7590	10/19/2004	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP			BLACKMAN, ROCHELLE ANN J	
TEN POST OFFICE SQUARE			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	
			2851	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/719,152

Applicant(s)

LINNECKE, ROGER

Examiner

Rochelle Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/859,970.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second ball headed connection means", "snap", and "bayonet catch" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

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the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewlett (U.S. Patent No. 5,650,821) in view of Putora (U.S. Patent No. 5,940,644).  
Rudolph discloses a portable stand (see Figs. 1-7), in particular a portable stand for holding and supporting video cameras, photo cameras and other optical recording devices, comprising: an oblong basic body (12); a first handle (70) provided at one end of said basic body, wherein in the area of said first handle, a locking sleeve (19) is provided for locking in position an extendable extension body guided within said basic body, and wherein the end of said first handle facing away from said basic body includes connecting means (see 16) for receiving an external feature comprising a belt clip or a support post; a connection plate (22) provided at the respective opposite end of said basic body for holding the device to be carried and supported; wherein said extension body includes connecting means (also see 16) for receiving an external feature comprising a belt clip or a support post; wherein said connection plate includes

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a snap or bayonet catch (see 22) for detachably attaching thereto the device to be carried and supported. wherein said basic body and said extension body are of tubular design (see 12).

Hewlett does not appear to disclose a "slidable arrest carriage which can be locked in position provided on said basic body, between said first handle and said connection plate; and a second, turning handle which is connected to said slidable arrest carriage by a ball headed bearing and connection means, said second, turning handle for swiveling about a connecting point on said slidable arrest carriage; wherein said slidable arrest carriage includes a connecting means for receiving a protruding connecting element of a ball-and-socket joint, said ball-and-socket joint connected to said-ball headed bearing and connection means, said ball headed bearing and connection means being equipped to receive, on the side of said ball headed bearing and connection means opposite said ball-and-socket joint, a protruding connecting element of said second turning handle; wherein said connection means comprises a second ball headed connection means for attaching said basic body to said external feature comprising said belt clip or said support mount".

Putora teaches providing a slidable arrest carriage (32) which can be locked in position (see function of 33) provided on basic body (12)... a second, turning handle (132 or 102 in Figure 7) which is connected to said slidable arrest carriage by a ball headed bearing (31 in Figure 6) and connection means (also see 31 in Figure 6 – "ball headed bearing" 31 is considered to be connected to "slidable arrest carriage" 32 by some sort of "connection means"), said second, turning handle for swiveling about a

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connecting point on said slidable arrest carriage; wherein said slidable arrest carriage includes a connecting means ("slidable arrest carriage" 32 is considered to have some sort of "connecting means" since it is attached to "ball headed bearing" 31 – see col. 2, lines 44-45) for receiving a protruding connecting element of a ball-and-socket joint (see 31 in FIG. 6), said ball-and-socket joint connected to said-ball headed bearing and connection means, said ball headed bearing and connection means being equipped to receive, on the side of said ball headed bearing and connection means opposite said ball-and-socket joint, a protruding connecting element (see 116 of FIG. 6) of said second turning handle; wherein said connection means comprises a second ball headed connection means (also see 31 of Figure 6) for attaching said basic body to said external feature comprising said belt clip or said support mount.

It would have been obvious to one of ordinary skill at the time the invention was made to provide the "portable stand" of the Hewlett reference with a "second, turning handle" connected to a "slidable arrest carriage" by a "ball headed bearing and connection means" as taught by Putora reference in order to provide the "portable stand" of the Hewlett reference with a pivotal support means for further stabilizing unwanted movement of a camera during tilting, panning, zooming and other special camera operations (see col. 1, lines 24-27).

2. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewlett (U.S. Patent No. 5,650,821) in view of Putora (U.S. Patent No. 5,940,644) as applied to claim<sub>1</sub><sup>1 and 2</sup> above, and further in view of Robalino (U.S. Patent No. 5,585,849).

Hewlett and Putora disclose the claimed invention except for the ball headed bearing and connection means including a "locking screw for locking said ball headed bearing and connection means in position".

Robalino teaches providing a locking screw (22 and 34 of Figs. 3 and 4) for locking a ball headed bearing and connection means in position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the "ball headed bearing and connecting means" of the combined Hewlett and Putora reference with a "locking screw", as taught by Robalino in order to increase friction and effectively hold the ball headed bearing in a fixed position (see col. 3, lines 27-40).

3. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewlett (U.S. Patent No. 5,650,821) in view of Putora (U.S. Patent No. 5,940,644) as applied to claim 1 above, and further in view of Rudolph (U.S. Patent No. 5,332,136).

Hewlett and Putora disclose the claimed invention except for the first handle being "mounted on said extension body".

Rudolph teaches providing a handle or first handle (see where hand of man is placed on element 40 in FIGS. 1 and 2) mounted on an extension body (40, 50).

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide the "first handle" of the combined Hewlett and Putora reference on the "extension body" of the combined Hewlett and Putora reference, as taught by Rudolph in order to provide the "portable stand" of the combined Hewlett and Putora

reference with support means on the extension body just as it is provided on the basic body by way of the "second handle", thus additionally stabilizing unwanted movement of a camera during tilting, panning, zooming and other special camera operations.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB

  
JUDY NGUYEN  
PRIMARY EXAMINER